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MIRA MESA MARKETPLACE WEST, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

OUTERBRIDGE ACCESS)
ASSOCIATION, SUING ON BEHALF)
OF DIANE CROSS; and DIANE CROSS,)
An Individual,)

Plaintiffs,)

vs.)

HOME DEPOT U.S.A., INC. d.b.a. THE)
HOME DEPOT #6679; MIRA MESA)
MARKETPLACE WEST, LLC.; AND)
DOES 1 THROUGH 10, Inclusive,)

Defendants.)

Case No.: 08 CV 0046 JM JMA

**DEFENDANT MIRA MESA
MARKETPLACE WEST, LLC.'s
REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS
SUPPLEMENTAL STATE LAW
CLAIMS**

[FRCP §§ 12(b)(1); 28 U.S.C. 1367(c)]

Complaint Filed: January 8, 2008

Judge: Hon. Jeffery Miller

Courtroom: 16

Date: March 21, 2008

Time: 1:30 pm.

**NO ORAL ARGUMENT UNLESS
REQUESTED BY COURT**

Defendant MIRA MESA MARKETPLACE WEST, LLC. requests the Court to take
judicial notice of the items set forth below in support of Defendant's Motion to Dismiss
Supplemental State Law Claims:

REQUEST FOR JUDICIAL NOTICE No. 1

- EXHIBIT "A" Order Granting Motion to Dismiss the Supplemental State Claims, *Cross v. Pacific Coast Plaza Investments, L.P.*, No. 06 CV 2543 JM (RBB), 2007 WL 951772, *3 (S.D. Cal. Mar. 6, 2007)
- EXHIBIT "B" Order Declining Supplemental Jurisdiction Over Plaintiff's State Law Claims, *Kohler v. Mira Mesa Marketplace West, LLC*, NO. 06 CV 2399, WQH (POR), (S.D. Cal. June 4, 2007)
- EXHIBIT "C" Order Declining Supplemental Jurisdiction Over Plaintiff's State Law Claims, *Ronald Wilson v. PFS, LLC dba McDonald's #23315*, No. 06 CV 1046 WQH (NLS) (S.D. Cal. May 31, 2007.)
- EXHIBIT "D" Order Granting Motion to Dismiss the Supplemental State Claims, *Morgan v. American Stores Company LLC* 2007 Lexis 47776 (S.D. Cal. June 29, 2007.)

REQUEST FOR JUDICIAL NOTICE No. 2

Defendant also requests that this court take Judicial Notice that on January 8, 2008 Plaintiffs OUTERBRIDGE ACCESS ASSOCIATION and DIANE CROSS filed an identical complaint against MIRA MESA MARKET PLACE EAST, LLC. and other defendants in Case No. 08 CV 0045 BTM CAB, entitled *Outerbridge Access Association, Diane Cross v. Ross Dress for Less, Inc., Manna Development Group, LLC; Mira Mesa Marketplace East, LLC.*, to which Defendant Mira Mesa Marketplace has filed the same Motion to Dismiss Supplemental State law claims scheduled to be heard on April 11, 2008 before Judge Barry T. Moskowitz.

Dated: February 12, 2008

MILBERG & DE PHILLIPS

/s/ Timothy G McNulty

By:

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